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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,936	07/19/2006	Kristian Knak Nygaard	7251/111536	5575
24628	7590	12/14/2010		
Husch Blackwell Sanders, LLP			EXAMINER	
Husch Blackwell Sanders LLP Welsh & Katz			STRONCZER, RYAN S	
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22ND FLOOR			ART UNIT	
CHICAGO, IL 60606			PAPER NUMBER	
			2425	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/556,936

**Applicant(s)**

NYGAARD ET AL.

**Examiner**

Ryan Stronczer

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 75-78, 81-95, 98-100, 103-106, 116-125, 127-132, 134-137, 150 and 156 is/are pending in the application.
- 4a) Of the above claim(s) 81, 87-94, 101, 102, 117-125, 131, 132 and 134-137 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 75-78, 82-86, 95, 98-100, 103, 104, 116, 127-130, 150 and 156 is/are rejected.
- 7) ☒ Claim(s) 105, 106 and 116 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 105, 106, and 116 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 75-78, 82-86, 95, 98-100, 103-104, 127-130, 150, and 156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darshan et al. (WIPO Pub. WO 03/010970) and further in view of Reisman (Pub. No. US 2003/0229900).**

As to claims 75, 150, and 156, which recite a method for **"transmitting a video and/or audio sequence to a target device based on a selection of a streamed broadcast program, the streamed broadcast program being broadcast to a user for being rendered on a display, the selection being selected from the streamed broadcast program by the user pressing a key on a keypad of a user selection unit, the selection being made by the user at a selection time substantially when the selection is rendered on the display,"** Fig. 2A-B of Darshan teach a method of transmitting a selection of a streamed broadcast program to a user by calculating a time

at which the user issued a request and transmitting a selection of programming corresponding to that calculated time. Darshan at pg. 21-23.

As to the limitations of “[1] computing the selection time when the user pressed the key on the keypad” and “[2] identifying the selection based on the computed selection time when the user pressed the key on the keypad with respect to rendering progress of the streamed broadcast program,” Fig. 2 of Darshan teaches that the recited functionality is performed by the random access unit 150 of Darshan (Fig. 1) which comprises request-to-normal play time (NPT) mapper 222, NPT-to-presentation time stamp (PTS) mapper 236, and presentation time/time clock mapper 240, the mappers coordinating to provide the user with random access to a selection of broadcast content corresponding to the time at which the user issued a request via the remote control. Darshan at pg. 17-19. The recited computing is taught by pgs. 19-22 of Darshan.

As to the final limitation of “[3] transmitting the video and/or audio sequence based on the selection to at least one of an external device and an external medium,” in an analogous art, Fig. 8 of Reisman teaches a method wherein a user's set top box (STB) can communicate with a headend system to communicate video data to that same user's PC to perform "session coordination." It would have been obvious to one of ordinary skill in the art at the time of the invention that the session coordination of Reisman could be incorporated into the system of Darshan so that a user of Darshan's system could select a discrete segment of a broadcast program to be transmitted to the user's PC instead of to the user's television. This would have been

desirable so as to allow a user to replay or share a segment of a program without interrupting viewing said program. One of ordinary skill in the art at the time of the invention would have recognized this as a combination of known elements in the art that would have yielded predictable results.

As to claim 76, the request from the user's remote control received by Darshan's random access unit is equivalent to the recited indication signal.

As to claim 77, the recited computing is performed by Darshan's random access unit, as analyzed above. Darshan further teaches that the identified selection can be, for example a segment of a national news broadcast, said segment being equivalent to the recited discrete segment. Darshan at pg. 15-16.

As to claim 78, 129, and 130, the metadata tags identifying the discrete segments of content taught by Darshan are equivalent to the recited UID. See, e.g., Darshan at pg. 18.

As to claim 82, Fig. 8 of Reisman teaches the recited computing device.

As to claims 83 and 84, Examiner notes that claim 75 does not positively recite the external medium recited in claim 75; however, Examiner takes Official Notice that it is well-known in the art for a PC to comprise a hard drive or other storage means which is equivalent to the recited "medium in the external device."

As to claim 85, Reisman teaches that said session coordination can be accomplished using a JAVA application (see, e.g., [0057], [0137]).

As to claim 86, Reisman teaches that the session coordination of Fig. 8 comprises displaying the selected content on the user's computing device.

As to claim 95, it would have been obvious to one of ordinary skill in the art at the time of the invention that a user could use the system of Darshan to select additional programming segments preceding or following the currently selected segment, as recited.

As to claims 98 and 99, the recited streamed video or multimedia program is inherent in Darshan.

As to claim 100, Darshan teaches that the system computes the selection time within a an error range of 0.5-0.7 seconds. Darshan at 21.

As to claim 103, Fig. 1 and 2A-B of Darshan explicitly teaches that the user selects the desired segment using a remote control.

As to claim 104, the recited video, multimedia, or A/V program is inherent in Darshan.

As to claims 127 and 128, Examiner takes Official Notice that it was well-known in the art a the time of the invention for a content provider such as a broadcast network to insert branding information such as a network logo into broadcast content and that it would have been obvious to one of ordinary skill in the art at the time of the invention that said logo would still be present when a user accessed time-shifted content in the system of Darshan, said logo being equivalent to the owner rights code recited in claim 128.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Stronczer whose telephone number is (571) 270-3756. The examiner can normally be reached on 7:30 AM - 5:00 PM (EDT), Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Stronczer/  
Examiner, Art Unit 2425

/Brian T Pendleton/  
Supervisory Patent Examiner, Art Unit 2425